Registered No. M—1175.

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# The Mysore Gazette.

Vol. 58.] PUBLISHED BY AUTHORITY. [No. 12.

BANGALORE, THURSDAY, MARCH 22, 1923.

## PART III.

### Legislative Measures and Rules thereunder.

### NOTIFICATION.

*No. I. C.* 5658—*Ft.* 247-22-1, *dated* 14*th March* 1923.

It is hereby notified for general information that the following rules to regulate the transit of timber and other forest produce are proposed to be issued under Section 37 of the Mysore Forest Regulation, XI of 1900. All objections thereto may be sent in writing to the General Secretary to Government within two months from the date of this notice. Objections made after the expiry of the time fixed above will receive no attention:—

### RULES FOR THE TRANSIT OF TIMBER AND OTHER FOREST PRODUCE.

*Preamble.*—Under Section 37 of the Mysore Forest Regulation, 1900, the Government of Mysore are pleased to make the following rules to regulate the transit of timber and such other forest produce to which the rules may be made specially applicable by a notification in the Official Gazette. The rules shall come into force from such date as may be fixed by a notification to this effect in the Official Gazette.

*Definitions.*—In the following rules 'timber' and 'forest produce' shall have the same meaning as defined in the Mysore Forest Regulation, XI of 1900.

Tanadar means a Special Forest Officer appointed to check forest produce in transit.

1. No timber or other forest produce shall be imported into, or exported from, Mysore save by the routes specified in Schedule A, and unless accompanied by a pass or otherwise as hereinafter prescribed.

SCHEDULE A.

(a) *By rail* at Kamasandra, Goribidnur, Harihar and Byadgi.

(b) *By water*—

1. At Magadahalli Kadu, Kolavalli and Gundre on the Kabbani;
2. At Kuginagundi near Hinni on the Sharavati;
3. At Hosadu, Majre of Nagavalli village on the Saralahole.
4. At Hosur village on the 20th mile stone of the Siralkoppa-Gondi Road on the Varada;

*Mysore.*

5. At Honnali on the Tungabhadra; and

(c) *By land*—

1. At Punajur in the Chamrajnagar Forest.
2. At Kekkanahalla in the Bondipur Forest.
3. At Mulehole in Beranbadi Forest.
4. At Halasurgadde in Ainurmarigudi Forest.
5. At Kymara, Gundre and Bavali in Kakankote.
6. At Marmavu in Begur Forest.
7. At Murkal in Veeranahosahalli Forest.
8. At Anechowkur in Mavakal Forest.
9. At Lingapur and Byranhalla and Dodharve Forest.

*Kolar.*

10. At Rayalpad on the Madanapalli High Road.
11. At Nangli on the Bangalore-Madras High Road.

*Shimoga.*

12. At Augumbi in Augumbi State Forest.
13. At Honnali on the Honnali-Dharwar Road.

*Chitaldrug.*

14. At Molakalmuru on the Rayadurga Road passing through Molakalmuru.
15. At Rampura on the Bellary Road passing through Rampura.

*Bangalore.*

16. At Terbidi on the Thali-Terbidi cart-track.
17. At Kolagondhalli on the Kolagondhalli-Jawlgiri cart-track.
18. At Honnenahalli on the Dankanikote cart-track.
19. At Hunasanahalli on the Kuntakota cart-track.
20. At Attibele on the Bangalore-Hosur Road.

*Tumkur.*

21. At Chandrabhavi on the Maddagiri-Mudaksira Road.
22. At Hulkunte on the Sira-Amarapura Road.
23. At Pavagada on the Pavagada-Penukonda Road.

*Hassan.*

24. At Maranhalli on the Mangalore-Manjarabad Road.
25. At Karodi on the Manjarabad-Kodlipet Road.
26. At Uchangi on the Uchangi-Arkalgud Road.

*Kadur.*

27. At Kotikehar on the Mudgere-Mangalore Road.

*Sagar.*

28. At Talaguppa near Churikatte, on the Bangalore-Honnavara Road.
29. At Hosad, near Nagavalli, on the Avinahalli-Bhatkal Road.
30. At Hinni (for the bullock track).
31. At Basavanabhavi Ghat (for the bullock track).
32. At Hulikal Ghat on the Hulikal-Kundapore Road.
33. At Ikkibilu, on the Kollur Ghat Road.
34. At Lakshmipur on the Kallurkatte-Nagodi Road.
35. At Hasaramakki on the Hasaramakki-Bennatte Road.
36. At Agasanahalli on the Gondi-Dharwar Road.
37. At Sunnadakoppa on the Shiralkoppa-Hirekerur Road.
38. At Bandada Bailu the Sorab-Siddapur Road.
39. At Idoor on the Sorab-Sirsi Road.
40. Bhandithimmammana Kanive on the Shikarpur-Masur Road.
41. Tirthahal Kanave on the Shikarpur-Dharwar Frontier.
42. At Marvalli on the Shikarpur-Dharwar Frontier.

2. No timber or other forest produce shall be removed by land, by rail or by water, in any part of Mysore unless it is covered by a pass and is stamped in the case of timber with a stamp, Government or registered, as hereinafter specified.

Provided that in the following cases the possession of the requisites contemplated by the above rule, shall not be necessary.

(*a*) In the case of forest produce collected by permit holders or contractors of the Forest Department and intended to be moved within the limits of the Range, the places selected by the Forest Department for checking and stamping it.

(*b*) In the case of wood for purposes of fuel conveyed by head loads or ass loads under existing rules.

(*c*) In the case of timber and other forest produce collected within the limits of the village in which it was produced and intended for consumption within such limits provided the person or persons removing the same have acquired a right to such property either by grant, acquisition or special concession, under orders of Government.

(*d*) In the case of timber, or other forest produce purchased in a Government Sale Depot or otherwise, and moved within the Municipal limits of the town or city in which the purchase was made provided the timber purchased at the Depot shall be covered by a license issued under the existing rules and in other cases, by a property mark.

(*e*) In the case of all timber of forest produce which is the property of Government, the transit of which is governed by the issue of passports in Form No. 100 as at present.

(*f*) In the case of bamboos and other forest produce, save timber, obtained on prepared licenses under existing rules, provided the license is not time-expired and the quantity mentioned in the license is not exceeded.

(*g*) In the case of timber fashioned into doors, windows and articles of furniture boxes or bales.

(*h*) In the case of sandalwood the transit of which is governed by rules passed under Government Order No. R. 7103—Ft. 21-11-3, dated 22nd January 1916.

(*i*) In the case of timber and other forest produce obtained free or at concession rates under existing orders of Government.

In these cases the issue of a license as at present will be sufficient.

3. *Export.*—Passes for the export of timber or other forest produce shall be in Form 70 printed in triplicate on red paper and marked 'Export.' These shall have all columns filled up by the Divisional Forest Officer or any other officer duly authorised by the Conservator of Forests in this behalf. Each part shall be duly signed and dated, the original handed over to the applicant, the duplicate sent to the officer in charge of the Division or Range as the case may be, in whose jurisdiction the produce should be checked and the triplicate kept attached to the book as a counterfoil, for record.

All consignments of forest produce not covered by such passes shall be liable to detention.

4. *Import.*—In the case of timber or other forest produce imported into the State, the covering pass shall be from a Foreign Government Officer, if the produce is the property of a Foreign Government and it shall give a detailed list of the articles in each consignment. For timber or other forest produce imported otherwise than by rail the pass will be presented for the countersignature of the 'Thanadar' at the first checking station *en route*. The Thanadar' will check the produce, countersign the pass and allow the consignment to proceed. The countersigned pass shall accompany the consignment throughout its course up to destination and shall be produced for inspection at every subsequent check station and on demand by a Forest, Police or Revenue Officer. Timber or other forest produce imported into the State by rail will be subjected to a similar check at the checking station a destination, and the accompanying pass countersigned by the Thanadar.

If the timber or other forest produce intended to be sent into Mysore is the property of private owners, then the pass shall be in Form No. 71 printed in triplicate and obtainable from Divisional Officers of the Mysore Forest Department. All columns therein shall be duly filled up by the owner, or his authorized Agent. Three foils shall accompany each consignment. At the first checking station *en route*, the Thanadar shall insist on the production of this pass. He will duly check each consignment and return to the owner, one of the foils duly endorsed and signed, while he will retain two copies, one of which will be sent by him to the check station at destination to ensure check of the imported produce on arrival. The endorsed copy shall accompany the consignment throughout its transit and shall be produced for inspection at every subsequent check station and on demand by a Forest Revenue or Police Officer.

Each log and other forest produce liable to be stamped shall bear the stamp mark registered as laid down in Rule 6 *infra* and its girth, length, serial number, cubic contents or other particulars shall be noted in the accompanying pass.

All logs which do not bear such registered stamps or logs and other forest produce which are not covered by such passes or which do not correspond with the description or measurements given in the passes shall be liable to confiscation.

5. *Transport within the State, of timber or other produce grown in private lands.*—No timber or other forest produce grown or private lands shall be removed without obtaining a pass from the Divisional Forest Officer or from the Amildar in the case of transport within the State who will grant it within a month of the date of application. The Amildar will give due intimation of the issue of such pass to the Range Forest Officer and the District Forest Officer concerned.

The owner of the property shall apply to the Divisional Forest Officer or the Amildar as the case may be, for a pass which shall be in Form No. 70 printed in Triplicate on yellow paper and marked "Private."

The applicant shall also furnish to the Divisional Forest Officer or the Amildar particulars regarding the kind and probable quantity of the produce and the place it will be transhipped to together with a certificate from the Patel or the Shanbhog of the village in which the applicant resides to state that the ownership of the produce rests with him.

The Divisional Forest Officer or the Amildar will thereupon, after satisfying himself that the produce was or could be obtained from the locality stated in the application, issue to the applicant necessary pass in duplicate. He will also prescribe in the pass a resonable time for the produce to be removed to destination together with such other conditions as he may think necessary to safeguard the interests of Government.

In the case of timber, this pass will be in addition to the impressing of Government "P.T." stamp in accordance with the existing rules on the subject.

6. *Registration of Property Marks.*—All timber, including imported timber which passes through the forests of Mysore in transit must, for the purposes of identification, be stamped. All timber for which passes are given by Government servants will be stamped with the Government stamp but timber transported by merchants and others owning or trading in timber must be impressed with private stamps or property marks. All stamps or property marks shall be registered at the office of the Divisional Forest Officer through whose division the timber will pass. No mark shall be used which has not been registered. For the purpose of registration or renewal of a property mark it shall be open to the Divisional Forest Officer or to any officer not below the rank of a Ranger deputed by him, to inspect the timberyard or trading place of the applicant, check the timber or forest produce, or the account of the applicant, before or at any time after registration or renewal of his property mark. The fee for the registration of each property mark shall be Rs. 10 and for each renewal of the registration thereof Rs. 5. The registration shall hold good until 30th June following the date of issue. A certificate of registration shall be granted by the Divisional Forest Officer in Form 73 to the person registering.

Provided that the Divisional Forest Officer may refuse registration and may cancel the registration of any property mark, if he considers that such property mark cannot be easily distinguished from a Government mark or from a property mark used by another person, or for other good and sufficient reason which shall in every case, be placed, on record by him.

7. *Appeals.*—An appeal against the order of the Divisional Forest Officer or Amildar under Rules 5 and 6 of the foregoing rules shall within thirty days of the receipt of the order lie to the Conservator of Forests whose decision in the matter shall be final.

8. *Miscellaneous.*—

(*a*) The Conservator of Forests may, with the sanction of the Government, open new depots or watch or check stations or close those in existence at any time. The names of all depots or stations as well as the date of their opening or closing shall be published in the Official Gazette and they shall be considered as opened or closed, as the case may be, as from the date of such pubication.

(*b*) If any tree falls or if any timber sinks or lies floating in the water of any river, stream, canal, creek or other channel, natural or artificial, in the State, in such manner as to obstruct the passage of boats or timber rafts, the person in occupation of the ground where the tree was growing or the person in charge of the timber which has sunk or lies floating, shall within 24 hours cause the removal thereof.

(*c*) Any person whose boat or timber raft is obstructed in its passage may cause the removal of such obstruction.

(*d*) Any Revenue, Police, Public Works or Forest Officer may similarly cause the removal of any such obstruction. The cost incurred, if not paid on demand by the person at fault, may be recovered as a Revenue Demand.

(*e*) No person shall close or obstruct a stream or river or cannal or other water way natural or artificial, by throwing timber, brushwood, stones or earth or any other material or in any other manner so as to prevent or obstruct the floating or rafting of timber or passage of boats. Such obstruction may be removed by any Forest, Police, Public Works or Revenue Officer and the cost of such removal shall be recovered from the person causing the obstruction in addition to any punishment to which he may be liable, under rule 9.

(*f*) No person shall float or store up timber or forest produce or take any other material in such manner as to cause any damage to any bridge, lock or other public works constructed over rivers, streams, cannals or other water ways natural or artificial. By any action done in contravention of this rule, if any damage occurs to any bridge, lock or other public works, compensation for such damage shall be recovered from the offender in addition to any punishment that may be inflicted on him under rule 8. The timber forest produce or other material the taking of which caused the damage, will be liable to detention until the cause against the offender is disposed of and all fines, compensation, etc., are recovered from him unless release of such material is ordered by the Magistrate or the Divisional Forest Officer on tendering sufficient security.

(*g*) The officers of the Forest Department may, with the consent of the owner or occupier of the land, store timber on private land or transport it across such land, if such a step is necessary and if any damage or loss is caused by such storage or transport, fair compensation shall be paid for the same or the damage shall be repaired at the expense of the Government. If compensation is to be paid, the damage shall be assessed by the Revenue Officer, not below the rank of an Assistant Commissioner.

(*h*) All drift timber, all timber on which the marks do not clearly indicate the ownership, all unmarked timber and all timber lying abandoned for six months shall be liable to be seized and all Forest Revenue and Police Officers are authorised to take such timber to the nearest depot or watch station or to make the necessary arrangements for its custody.

(*i*) A notification shall then be published by the Divisional Forest Officer in the Gazette, calling upon claimants for the timber so taken, to put in their claim within a stated time. If any person proves his claim to the said timber, it shall be handed over to him on payment of salvage and transport charges and also reward to the informant, if such is deemed to be due, but if no claim is proved the timber shall be regarded as the property of the Government and shall be treated accordingly. A reward not exceeding one-fourth of the net sale price may be paid to the informant or person recovering the timber, at the discretion of the Conservator of Forests provided that in cases where the amount recommended to be paid does not exceed Rs. 5 it may be paid by the Divisional Forest Officer without reference to the Conservator.

9. Whoever commits any breach or infringement of these rules shall be liable under Section 38 of the Forest Regulation to be punished with imprisonment for three months or with fine up to Rs. 500 or both.

By Order,
G. ARAVAMUDU IYENGAR,
*Secretary to Government,*
*General Department.*